

## PATHWAYS CMH

<b>POLICY TITLE:</b> Restraint and Seclusion	<b>CATEGORY:</b> Recipient Rights	
<b>EFFECTIVE DATE:</b> July 6, 2005	<b>BOARD APPROVAL DATE:</b> July 6, 2005	
<b>REVIEW DATE:</b> December 30, 2019	<b>REVISION(S) TO POLICY STATEMENT:</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	<b>OTHER REVISION(S):</b> <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
<b>RESPONSIBLE PARTY:</b> Recipient Rights Supervisor or Designee	<b>CEO APPROVAL:</b> Mary J. Swift, CEO	

**APPLIES TO:**

Employees, volunteers and contractual providers of Pathways CMH

**POLICY:**

It is the policy of the Pathways Board that seclusion and physical restraint, as defined by the Michigan Mental Health Code, shall not be used by Pathways in any community based program.

The following standards shall be adhered to:

- A. The use of restraint or seclusion is prohibited in all program sites directly operated by or under contract with Pathways unless a provider is permitted by statute and agency policy to use restraint or seclusion.
- B. Any use of restraint or seclusion by an authorized provider shall comply with the Mental Health Code and Department of Community Health Administrative Rules and Pathways policies and procedures.
- C. In any setting where the use of restraint and seclusion are authorized by law, the consumer has a right to be free from seclusion and restraints of any form imposed as a means of coercion, discipline, convenience, or retaliation by staff.
- D. Timeout and Therapeutic De-escalation, as defined, are not considered to be seclusionary.

**PURPOSE:**

To protect the rights of recipients

**DEFINITIONS:**

Restraint

The use of a physical device to restrict an individual's movement. Restraint does not include the use of a device primarily intended to provide anatomical support.

Seclusion

The temporary placement of a recipient in a room, alone, where egress is prevented by any means.

Therapeutic De-escalation

An intervention, the implementation of which is incorporated in the individualized written plan of service, wherein the recipient is placed in an area or room, accompanied by staff who shall therapeutically engage the recipient in behavioral de-escalation techniques and debriefing as the cause and future prevention of the target behavior.

### Timeout

A voluntary response to a therapeutic suggestion to a recipient to remove himself or herself from a stressful situation in order to prevent a potentially hazardous outcome.

### **REFERENCES:**

MCL 330.700, 300.740 and 330.745; MCL 722.111 – 722.128, Michigan Administrative Rule 400.4150 and R330.7243 and R330.7001. 42 CFR 482, et. Seq.; 42 CFR 483 et. Seq.

### **HISTORY:**

Dates Reviewed: June 2008; May 2011; July 11, 2013; July 11, 2014; May 5, 2015; April 19, 2016; April 15, 2017; March 26, 2018; December 30, 2019

Dates Revised: June 2008; May 2011; July 11, 2013

Dates Approved: July 6, 2005

**PROCEDURES:**

- A. The Pathways Office of Recipient Rights shall review the recipient rights policies and procedures of each provider of mental health services under contract with Pathways. If a provider is permitted by federal and state law and agency policy to use restraint or seclusion, the Office shall review those policies to evaluate compliance with 42 CFR 482 and 483, the Mental Health Code and the Department of Community Health Administrative Rules. The provider shall be notified of any non-compliance.
  
- B. Pathways shall ensure that each CMHSP Office of Recipient Rights shall review physical restraint and seclusion policies of contracted providers for inpatient services and child care institutions to evaluate compliance with 42 CFR 482 and 483, the Mental Health Code and the Department of Community Health Administrative Rules.